

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference <b>32351P WO</b>	<b>FOR FURTHER ACTION</b> see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. <b>PCT/EP2005/000491</b>	International filing date (day/month/year) <b>19/01/2005</b>	(Earliest) Priority Date (day/month/year) <b>20/01/2004</b>
Applicant  <b>DEVELOGEN AKTIENGESELLSCHAFT FÜR ...</b>		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 6 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

**1. Basis of the report**

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. ☒ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☒ **Certain claims were found unsearchable** (See Box II).

3. ☐ **Unity of invention is lacking** (see Box III).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,

- a. the figure of the **drawings** to be published with the abstract is Figure No. \_\_\_\_\_

☐ as suggested by the applicant.

☐ as selected by this Authority, because the applicant failed to suggest a figure.

☐ as selected by this Authority, because this figure better characterizes the invention.

- b. ☒ none of the figures is to be published with the abstract.

# INTERNATIONAL SEARCH REPORT

International application No.

PCT/EP2005/000491

## Box No. I Nucleotide and/or amino acid sequence(s) (Continuation of item 1.b of the first sheet)

1. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, the international search was carried out on the basis of:
  - a. type of material
    - ☒ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material
    - ☒ in written format
    - ☒ in computer readable form
  - c. time of filing/furnishing
    - ☐ contained in the international application as filed
    - ☐ filed together with the international application in computer readable form
    - ☒ furnished subsequently to this Authority for the purpose of search
2. ☒ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
3. Additional comments:

## INTERNATIONAL SEARCH REPORT

International Application No

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## A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A61K38/17

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, GENSEQ, WPI Data, PAJ, EMBASE, MEDLINE, BIOSIS

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 91/05043 A (SCHERING AKTIENGESELLSCHAFT BERLIN UND BERGKAMEN) 18 April 1991 (1991-04-18)  page 4, lines 5-7 page 16, line 22 - page 17, line 14 figure 2	1-17, 19-23, 25,26, 34,35
X	WO 02/22635 A (ISIS PHARMACEUTICALS, INC; MONIA, BRETT, P; FREIER, SUSAN, M) 21 March 2002 (2002-03-21)  claims 1,17-20  ----- -/--	1,4,7, 11-13, 16-19, 30,32,35



Further documents are listed in the continuation of box C.



Patent family members are listed in annex.

## \* Special categories of cited documents:

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

\*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

\*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

\*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

\* & \* document member of the same patent family

Date of the actual completion of the international search

25 May 2005

Date of mailing of the international search report

03/06/2005

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2  
NL - 2280 HV Rijswijk  
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,  
Fax: (+31-70) 340-3016

Authorized officer

ALCONADA RODRIGUEZ

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## INTERNATIONAL SEARCH REPORT

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## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 02/22160 A (UNIVERSITAIR MEDISCH CENTRUM UTRECHT; UNIVERSITEIT UTRECHT; CASTRO CAB) 21 March 2002 (2002-03-21) page 3, last paragraph claims 1,7 page 22, lines 2-9 page 26, line 24 - page 27, line 5 -----	18,30-33
X	GELISSEN INGRID C ET AL: "Apolipoprotein J (clusterin) induces cholesterol export from macrophage-foam cells: A potential anti-atherogenic function?" BIOCHEMICAL JOURNAL, vol. 331, no. 1, April 1998 (1998-04), pages 231-237, XP002328307 ISSN: 0264-6021 page 236, right-hand column, last paragraph see results section -----	18,30-33

## FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box II.2

Claims Nos.: 27-29

Present claims 27-29 relate to methods of producing compositions comprising a polypeptide, wherein the polypeptide is defined by reference to a desirable characteristic or property, namely, that it can be identified by the methods of claims 24-26. The claims cover all polypeptides having this characteristic or property, whereas the application provides support within the meaning of Art. 6 PCT and disclosure within the meaning of Art. 5 PCT for none of such products. Thus, said claims are not supported and disclosed (see PCT International Search and preliminary Examination Guidelines, 5.43). Independent of the above reasoning, the claims also lack clarity (Art. 6 PCT). An attempt is made to define the peptides by reference to the result to be achieved. Article 6 in conjunction with Rule 6.3 (a) PCT requires that all essential technical features of the claimed invention have to be indicated in the claim in technical terms. Claims which attempt to define the invention by a result to be achieved, should not be allowed, in particular if they only amount to claiming the underlying technical problem (see PCT International Search and preliminary Examination Guidelines, 5.35).

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guideline C-VI, 8.5), should the problems which led to the Article 17(2) declaration be overcome.

# INTERNATIONAL SEARCH REPORT

International application No.  
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## Box II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:  
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☒ Claims Nos.: 27-29  
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:  
see FURTHER INFORMATION sheet PCT/ISA/210
3. ☐ Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

## Box III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

### Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

# INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/EP2005/000491

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
WO 9105043	A	18-04-1991	DE 3933850 A1	18-04-1991
			AU 6517790 A	28-04-1991
			CA 2042605 A1	07-04-1991
			WO 9105043 A1	18-04-1991
			EP 0452433 A1	23-10-1991
			JP 4502626 T	14-05-1992
WO 0222635	A	21-03-2002	US 6383808 B1	07-05-2002
			AU 9070601 A	26-03-2002
			EP 1325019 A1	09-07-2003
			JP 2004513626 T	13-05-2004
			WO 0222635 A1	21-03-2002
			US 2004053874 A1	18-03-2004
WO 0222160	A	21-03-2002	EP 1186299 A1	13-03-2002
			AU 9440101 A	26-03-2002
			AU 9440201 A	26-03-2002
			CA 2421994 A1	21-03-2002
			CA 2422032 A1	21-03-2002
			EP 1318831 A2	18-06-2003
			EP 1318832 A2	18-06-2003
			JP 2004508413 T	18-03-2004
			JP 2004508414 T	18-03-2004
			WO 0222160 A2	21-03-2002
			WO 0222161 A2	21-03-2002
			US 2003143223 A1	31-07-2003
			US 2003165458 A1	04-09-2003

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